

20427 U.S. PTO
032904

NEW UNITED STATES UTILITY PATENT APPLICATION
under 37 C.F.R. § 1.53(b)

EV436812925US

Atty. Docket No. 04148-00100

Page 1

REQUEST FOR FILING A CONTINUATION
OF AN INTERNATIONAL APPLICATION

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10: The undersigned hereby certifies that this United States Patent Application and all papers noted herein as being attached, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 today, **March 29, 2004**, and is addressed to: Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

By



Express Mail Label No.: EV 436812925 US

22264 U.S. PTO
10/812318
032904

Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a continuation application under 37 CFR 1.53(b) of pending prior international application number PCT/NL02/00633, filed on September 30, 2002, entitled Injectable Calcium Salt Bone Filler Comprising Cells, which designated the United States, and which claims priority from European patent application number 01203746.1, filed October 2, 2001.

Enclosed herewith are the following papers for filing with the application:

Inventors (or application identifier): **Joost Dick de Bruijn, Elisabeth Maria Fischer, and Pierre Jean François Layrolle**

Title of Invention: **INJECTABLE CALCIUM SALT BONE FILLER COMPRISING CELLS**

1. ■ Specification 13 pages (including specification, claims, abstract) / 19 claims (1 independent), after entry of the Preliminary Amendment.
2. ■ Declaration/Power of Attorney:
 - ☐ Copy from Prior Application (for continuation or divisional application)
 - ☐ Newly Executed Declaration (for CIP application)
 - ☒ Deferred under 37 C.F.R. § 1.53(f)
 - ☐ Deletion of Inventor(s) - Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b)
 - Incorporation by Reference - The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein

NEW UNITED STATES UTILITY PATENT APPLICATION
under 37 C.F.R. § 1.53(b)

Page 2

Atty. Docket No. 04148-00100

3. ☒ 1 Distinct sheet of ☒ Formal ☐ Informal Drawings
4. ☒ Preliminary Amendment is enclosed.
☒ Amend the specification by inserting before the first line the sentence -- This application is a continuation of PCT application no. PCT/NL02/00633, designating the United States and filed September 30, 2002; which claims the benefit of the filing date of European application no. 01203746.1, filed October 2, 2001; both of which are hereby incorporated herein by reference.--
5. ☒ Information Disclosure Statement
☒ Form 1449
☒ A copy of each cited prior art reference
6. ☐ Assignment
☐ Assignment with Cover Sheet attached
☐ Assignment filed in prior application. Application assigned to:
7. ☒ Priority is hereby claimed under 35 U.S.C. § 119 based upon the following application(s) (provisional and foreign applications):

Country	Application Number	Date of Filing (day, month, year)
EP	01203746.1	02 OCT 2001 (02.10.2001)

8. ☒ Priority is hereby claimed under 35 U.S.C. § 120 based upon the following application(s):

Country	Application Number	Date of Filing (day, month, year)
PCT	PCT/NL02/00633	30 SEP 2002 (30.09.2002)

9. ☐ Priority document(s)
10. ☒ Small Entity Statement
☐ Small Entity Statement was filed in prior application, Small Entity Status is still proper and desired
☒ Small Entity status is being claimed hereby.
☐ is no longer claimed
11. ☐ Nucleotide and/or Amino Acid Sequence Submission
☐ Computer Readable Copy
☐ Paper Copy (identical to computer copy)
☐ Statement verifying identity of above copies

NEW UNITED STATES UTILITY PATENT APPLICATION
under 37 C.F.R. § 1.53(b)

Page 3

Atty. Docket No. 04148-00100

12. Calculation of Fees:

FEES FOR	EXCESS CLAIMS	FEE	AMOUNT DUE
Basic Filing Fee (37 C.F.R. § 1.16(a))			\$770.00
Total Claims in Excess of 20 (37 C.F.R. § 1.16(c))	0	18.00	\$0.00
Independent Claims in Excess of 3 (37 C.F.R. § 1.16(b))	0	86.00	\$0.00
Multiple Dependent Claims (37 C.F.R. § 1.16(d))	0	290.00	\$0.00
Subtotal - Filing Fee Due			\$770.00
MULTIPLY BY			
Reduction by 50%, if Small Entity (37 C.F.R. §§ 1.9, 1.27, 1.28)	0.50		\$335.00
TOTAL FILING FEE DUE			\$335.00
Assignment Recordation Fee (if applicable) (37 C.F.R. § 1.21(h))		40.00	\$0.00
GRAND TOTAL DUE			\$335.00

13. PAYMENT is:

- ☐ The Commissioner is authorized to debit the instant filing fee, in the amount of \$_____, and any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18, to Deposit Account No. 19-0733. A duplicate copy of this letter is enclosed.
- ☒ not included, but deferred under 37 C.F.R. § 1.53(f)

14. All correspondence for the attached application should be directed to:

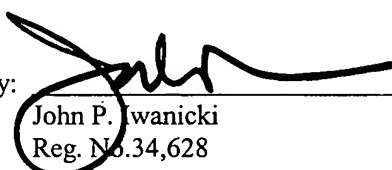
John P. Iwanicki
Customer No. 22910
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109
Telephone: (617) 720-9600
Facsimile: (617) 720-9601

15. Other: Abstract of the Disclosure, Application Data Sheets (4 pages), and return postcard.

Date:

March 29, 2004

By:


John P. Iwanicki
Reg. No. 34,628

JPI/lh

Enclosures